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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,433

07/16/2003

J. Richard Hanna

D-1116R1 CIP

1731

28995

7590

05/19/2008

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

05/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MAY 16 2008

TECHNOLOGY CENTER 3600

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In re Application of  
Hanna, et al.  
Application No. 10/621,433  
Filed: July 16, 2003  
For: **AUTOMATED BANKING  
APPARATUS AND METHOD**

**DECISION ON PETITION  
UNDER 37 CFR §1.181**

This is the Commissioner according to 37 CFR  
1.181.

The extent indicated below.

Applicant requests that:

1. The amendment be entered because the Examiner withdrew the finality of the Office Action dated August 7, 2007 when she issued the 2<sup>nd</sup> Final on November 2, 2007.
2. The Final Office action dated November 2, 2007 be withdrawn as improper because it does not take into consideration all the pending claims.
3. The amendment filed November 19, 2007 be rightfully entered.

A review of the record shows that Applicants submitted an amendment to the claims on May 22, 2007, specifically adding claims 33 and 34. A Final Office action was mailed on August 7, 2007, which failed to properly address the newly added claims (33 and 34). Next, an After Final amendment with arguments was entered on October 5, 2007 adding claims 35-39 and arguing the finality of the previous Office action. On November 2, 2007, the Examiner issued a 2<sup>nd</sup> Final Office action, which included a proper rejection of claims 33 and 34 and the following statement, "This Final Rejection is being reissued to correct typographical errors and clarify the rejection. The newly submitted amendments will not be entered."

On November 19, 2007 Applicants filed a 2nd After Final amendment with arguments adding claims 40 and 41, as well as a Petition requesting a withdraw of the Finality and entry of the previous amendments. In response to the Amendment After Final, the Examiner issued an Advisory Action on December 13, 2007 which stated, "The Final Action of 08/07/07 closed prosecution. Claims added 10/05/07 were not entered. However, the arguments were reviewed and the issues were corrected in the action of 11/02/07. Prosecution is closed and the amendments of 11/05/07 and 11/19/07 were not entered. The claims that are appealable are claims 1-34."

MPEP 706.07(e) states:


When a final rejection is withdrawn, all amendments filed after the final rejection are ordinarily entered.

With respect to Applicants' request that the Finality of the Office action dated November 2, 2007 be withdrawn and the amendments filed October 5, 2007 be entered, it is hereby noted this matter was addressed in Applicant's Petition dated November 19, 2007. It is further noted that the decision to that petition was granted and thus the final Office action mailed November 2, 2007 was vacated. Accordingly these issues are being **DISMISSED AS MOOT**.

With respect to Applicants' request that the Amendment dated November 19, 2007 be rightfully entered, since the Office action dated November 2, 2007 has been vacated, the request is hereby **GRANTED**.

**SUMMARY:** The petition is **GRANTED-IN-PART**, to the extent indicated above.

The application will be forwarded to the Head Supervisory Legal Instruments Examiner for entry of the November 19, 2007 amendment. However, if either of the October 5, 2007 or November 19, 2007 amendments raises a new grounds of rejection, the next Office action will be made FINAL.

  
Wynn Coggins, Director  
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